

Serial No.: 09/415,632
Docket No.: 49335.0300

Remarks:

Applicants reply to the Office Action mailed March 29, 2006 within the statutory period for reply. Claims 1-12 were pending in the application, all of which were rejected by the Examiner. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. §103(a)

The Examiner rejects claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Burton, et al., EPA 0 308 224 ("Burton") in view of Cohen, et al., U.S. Patent No. 4,750,119 ("Cohen"). Applicants respectfully traverse this rejection.

Burton is limited to a system which allocates monetary amounts to a credit instrument when the program participant performs at a designated level of performance. Monetary amounts may be withheld from the amounts allocated to the credit instrument account. The Burton system provides reports concerning the amounts allocated, withheld amounts, account transactions and balances. The Examiner attempts to equate a incentive award system with an investment broker system, then the Examiner cites, at page 5, line 44 to page 6, line 50, various terms and definitions which disclose credit instrument information, accounts and transactions, along with award point values, multipliers and credits. The Burton system is limited to a system wherein an employer instructs the system to award monetary amounts to a credit instrument such that an employee can use the credit instrument at any merchant, without limiting the employee to pre-established award catalogs. Following the Examiner's analogy of award points being equivalent to investments, the Burton participant does not submit funds which are allocated to the award points and the participant does not provide any instruction for which award points to purchase. The Burton system also does not include rules for distributing funds to certain award points or awards. Moreover, because all of the individual award points are equal, the Burton system also does not accept instructions from the participant about which subset of points to use (or investment instructions). In fact, the Burton system teaches away from the presently claimed invention because the Burton participant receives award points which are converted to monetary values on the participant credit instrument, so the Burton participant does not need to remit a payment to pay for the purchases. In other words, the employer has already funded the purchases via an award to the participant by loading the participant's credit instrument with

Serial No.: 09/415,632
Docket No.: 49335.0300

value. **Not only does the Burton participant not need a payment remittance, but the Burton system does not include an extra remittance which is distributed to another system.**

As such, the Burton system does not include or suggest at least "an investment instruction arrangement database configured to include user investment instruction information; an investment account database configured to include said at least one investment product; and, an investment payment hierarchy system for establishing rules for distributing funds to said at least one investment product," as recited in independent claim 1, or "said investment broker system includes multiple investment products through which said user can select at least one investment product for purchase.... distributing said investment funds to said at least one investment product in accordance with said payment hierarchy rules," as recited by independent claim 6.

The Examiner correctly states that Burton also does not teach "a remittance database configured to include information about user combined remittances wherein said combined remittances include a portion of funds to satisfy debts related to said previously established financial events in a periodic statement and a portion of funds for investment" (Office Action, page 3).

Cohen generally discloses a purchasing system, wherein a future benefit guarantor supplies a rebate factor. The rebate is due to the purchaser in the future and the rebate is based upon the cost of the purchased goods and the rebate factor. The purchaser pays the system for the goods, then the system pays the vendors and also pays the future rebate guarantor a premium to partially fund a group annuity contract. The system determines the amount that is allocated to the group annuity contract, then deducts the premium amount from the received funds in order to calculate net funds. The net funds are then distributed to the vendors. Throughout the year, the system continues to fund the group annuity contract with the paid in funds. The insurance company then breaks up the group annuity contract into individual contracts for each purchaser. Significantly, the Cohen system accepts funds from purchasers who do not use a charge card to complete the purchase because the funds to pay for the purchase are sent to directly to the system (or through an escrow agent) to distribute to the vendors. As such, the Cohen system teaches away from the presently claimed invention because the Cohen system not only discourages the use of charge cards, but restricts the use of any charge card. **Accordingly, no motivation would**

Serial No.: 09/415,632
Docket No.: 49335.0300

exist to combine a system which discourages charge cards, such as Cohen, with a system that requires the use of a charge card, such as Burton.

Moreover, the Cohen system requires that all funds from all purchasers be used to purchase a group annuity contract. In other words, Cohen does not allow the purchases to select an investment product. Importantly, if Cohen does not allow selection of an investment product, then Cohen would have absolutely no need for hierarchy rules to determine an allocation to a different investment products. As such, Cohen again teaches away from the claimed invention because the benefit of Cohen is to combine premiums to obtain a better rate on a group policy. In contrast, a major benefit of the claimed invention is that it uses a hierarchy to allow the card member to divide up his investment remittances and to not only choose his own investments, but it allows the card member to choose from multiple investments.

Furthermore, the Cohen system calculates the portion of the remitted funds that must be deducted to pay for the premium, before paying the vendors. In contrast, the claimed invention allows the card member to determine the portion of remitted funds that should be allocated to the investment broker system. In other words, the claimed invention not only allows the card member to select the investments, but for example, also allows the card member to set the hierarchy rules and instruct the system where to allocate the investment portion of the funds, after the debts related to the financial events are satisfied. As such, the Cohen system does not include or suggest at least "user investment instruction information" or "an investment payment hierarchy system for establishing rules for distributing funds . . .," as similarly set forth in independent claims 1 and 6.

Dependent claims 2-5 and 7-10 variously depend from independent claims 1 and 6, so dependent claims 2-5 and 7-10 are patentable for at least the same reasons for differentiating the independent claims, as well as in view of their own respective features.

Rejections under 35 U.S.C. §103(a)

The Examiner next rejects claims 11-12 under 35 U.S.C. §103(a) as being unpatentable over Burton and Cohen, further in view of Sandberg-Diment, U.S. Patent No. 5,826,245 ("Sandberg"). Applicants respectfully traverse this rejection

Serial No.: 09/415,632
Docket No.: 49335.0300

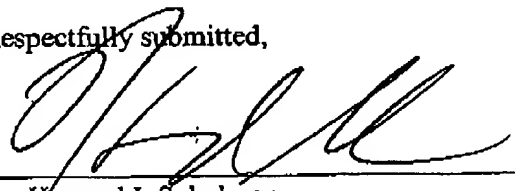
Dependent claims 11-12 depend from independent claims 1 and 6, respectively, so dependent claims 11-12 are patentable for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as its invention and are allowable over the cited prior art. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. Applicants authorize and request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: June 29, 2006

By:


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